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OUR REF: 208418US-2 PCT  
GROUP ART UNIT: 2851

Re: Inventor: Tomoko OHTSUKI ET AL.  
Serial No: 09/831,345  
Filed: JUNE 28, 2001  
For: LIGHT SOURCE AND WAVELENGTH  
STABILIZATION CONTROL METHOD,  
EXPOSURE APPARATUS AND...

SIR:

Attached hereto for filing are the following papers:

#### PROVISIONAL ELECTION

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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208418US-2 PCT

#9  
12-10-02  
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Tomoko OHTSUKI ET AL. : EXAMINER: KIM, P.

SERIAL NO: 09/831,345 :

FILED: JUNE 28, 2001 : GROUP ART UNIT: 2851

FOR: LIGHT SOURCE AND WAVELENGTH  
STABILIZATION CONTROL METHOD,  
EXPOSURE APPARATUS AND EXPOSURE  
METHOD, METHOD FOR PRODUCING  
EXPOSURE APPARATUS, AND DEVICE  
MANUFACTURING METHOD AND DEVICE

PROVISIONAL ELECTION

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Official Action mailed November 7, 2002, Applicants provisionally elect, with traverse, Group I, Claims 106-183 and 210 for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.<sup>1</sup>

<sup>1</sup>To do justice to either identified group of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

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Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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